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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,360	01/28/2002	Marcia Lynn Brandt	ROC919960172US2	5127
7590	01/03/2006		EXAMINER	
IBM Corporation			PESIN, BORIS M	
Intellectual Property Law, Dept. 917				
3605 Highway 52 North			ART UNIT	PAPER NUMBER
Rochester, MN 55901-7829			2174	

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/058,360	BRANDT ET AL.
	Examiner Boris Pesin	Art Unit 2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 October 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 and 10-29 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 and 10-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to Amendment***

This communication is responsive to the Appeal Brief filed 10/11/2005.

Claims 1-8 and 10-29 are pending in this application. Claims 1, 8, 14, 19, 24, 25 and 27 are independent claims.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Response to Arguments***

Applicant's arguments, see pages 12-23, filed 10/11/2005, with respect to the rejection(s) of claim(s) 1-8 and 10-29 under 35 USC § 102 and 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Deken and Berry et al. (US 4789962).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 2, 5, 6, 8, 10, 14, 15, 18, 19, 20, 21, 24, 25, 26, 27, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deken ("The Early World Wide Web at SLAC") in view of Berry et al. (US 4789962).

In regards to claim 1, Deken teaches a computer with a data storage device including a computer usable medium having computer usable code to present a help window for a web page displayed on a monitor, the computer usable code comprising: first computer readable code to present a web page window on the monitor, wherein the web page window includes a web page obtained from a server (See Pages 1-3, "Default.html" and "Binlist.html"); second computer readable code to receive a help request from a user for the web page ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2). Deken further teaches a third computer readable code to allocate a portion of the monitor for a help window in response to the help request ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2); and fourth computer readable code to present information to the user in the help window pertaining to the web page, wherein the information includes user- readable instructions that describe how to accomplish functions in the web page ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2).

Deken does not specifically teach two distinct windows, one for help and one for the web page. Berry teaches, "the instant invention is concerned with displaying called help in a window on the same screen where help is required, and in a manner to least interfere with the other information on the screen. More specifically, the instant invention is to position the window adjacent an operating point at which help is called and to display help information in the window related to the point" (Column 1, Line 39). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deken and include a second window to show help on the same screen at the same time with the motivation to provide the user contextual help which is both relational and positional.

In regards to claim 2, Deken and Berry teach all the limitations of claim 1. They further teach that the help window is displayed simultaneously on the monitor with at least a portion of the web page ("the instant invention is concerned with displaying called help in a window on the same screen where help is required, and in a manner to least interfere with the other information on the screen. More specifically, the instant invention is to position the window adjacent an operating point at which help is called and to display help information in the window related to the point" Berry, Column 1, Line 39).

In regards to claim 5, Deken and Berry do not explicitly teach that third and fourth computer readable code means are obtained from the server. However, it is inherent in Deken that a web page help function will be obtained from the server.

In regards to claim 6, Deken and Berry do not explicitly teach that the information in the help window is obtained by the computer in a file from the server. However, it is inherent in Deken that the information in the help window is obtained by the computer in a file from the server.

Claim 8 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 10 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 14 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 15 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 18 is in the same context as claim 6; therefore it is rejected under similar rationale.

Claim 19 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 20, Deken and Berry teach a computer program device wherein the program is further to cause the digital processing apparatus to present the help window in response to a user-generated help signal ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2).

Claim 21 is in the same context as claim 2; therefore it is rejected under similar rationale.

Claim 24 is in the same context as claim 1; therefore it is rejected under similar rationale.

Claim 25 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 26, Deken and Berry teach a computer further comprising fifth computer readable code to request a help web page from the server in response to the help signal, wherein the help web page includes the help information ("Clicking "Search" on this page linked a user to SPIRES.INDEX, and clicking "Help" took them to a page named SPIHELP.INDEX." Page 2).

Claim 27 is in the same context as claim 1; therefore it is rejected under similar rationale.

In regards to claim 28, Deken and Berry teaches a method wherein the application comprises a web browser (See Pages 1 and 2); and wherein the application window comprises a web page obtained from the internet sever (See Pages 1 and 2, it is inherent in Denken that the pages are from a server).

In regards to claim 29, Deken and Berry teach a method wherein the help window comprises a web browser (See Pages 1 and 2), and wherein the help information comprises a web page containing user-readable instructions that describe how to accomplish functions in the application (See Pages 1 and 2).

Claims 3, 4, 7, 11, 12, 13, 16, 17, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deken in view of Berry et al. (US 4789962) further in view of Dazey et al. (US 5715415).

In regards to claim 3, Deken and Berry teach all the limitations of claim 1. They do not teach that the help window further includes a help frame and a table of contents frame contiguous to the help frame. Dazey teaches that the help window further includes a help frame and a table of contents frame contiguous to the help frame (Figure 6, Element 92). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deken and Berry with the teachings of Dazey and include a help frame and a table of contents frame with the motivation to provide the user with a convenient method of accessing help information.

In regards to claim 4, Deken, Berry and Dazey teach all the limitations of claim 3. Deken, Berry and Dazey further teach a navigation frame contiguous to at least one of the table of contents frame and the help frame (Dazey, Figure 6, Element 92).

In regards to claim 7, Deken and Berry teach all the limitations of claim 5. Deken and Berry do not teach a table of contents frame that presents hypertext help files pertaining to the web page. Dazey teaches, "the help pane 70 is expanded to provide an index area 92 which shows the index to the help content. This index allows the user to easily switch to other related help topics." (Column 6, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Deken and Berry with the teachings of Dazey and include links to help topics with the motivation to allow the user to quickly switch to different help topics.

Claim 11 is in the same context as claim 3; therefore it is rejected under similar rationale.

Claim 12 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 13 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 16 is in the same context as claim 4; therefore it is rejected under similar rationale.

Claim 17 is in the same context as claim 7; therefore it is rejected under similar rationale.

Claim 22 is in the same context as claim 3; therefore it is rejected under similar rationale.

In regards to claim 23, Deken and Berry teach all the limitations of claim 22. Deken and Berry do not teach a computer program device wherein the program is further to cause the digital processing apparatus to present in the help window a navigation frame contiguous to at least one of the table of contents frame and the help frame, the table of contents frame presenting hypertext links to hypertext files pertaining to the web page. Dazey teaches a navigation frame contiguous to at least one of the table of contents frame and the help frame (Figure 6, Element 92). Dazey further teaches, "the help pane 70 is expanded to provide an index area 92 which shows the index to the help content. This index allows the user to easily switch to other related help topics." (Column 6, Line 1). It would have been obvious to one of ordinary skill in

the art at the time of the invention to modify Deken and Berry with the teachings of Dazey and include a navigation frame and hypertext links with the motivation to provide the user a convenient way to access different help topics.

*Inquiry*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (571) 272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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